

REMARKS

Claims 1 and 3 - 22 are pending in the present application. After entry of the Amendments requested above, claims 1, 3 - 13, 15 and 16 remain pending in the present application. Reconsideration of these claims with respect to the concurrent RCE application filing is respectfully requested.

The Office Action rejected claims 1, 4 -16 and 18 - 22 under 35 USC Section 103(a) as being unpatentable over Say et al. (Say) in view of Owesen, for reasons of record. Claims 3 and 17 were rejected under 35 USC Section 103(a) as being unpatentable over Say as modified by Owesen as applied to claims 1, 4 -16 and 18 -22 above, and further in view of Heller et al. (Heller) and/or Saitou, for reasons of record.

By this Amendment, claims 14 and 17 - 22 are requested to be canceled. Accordingly, any and all rejections, including rejections under Section 103(a), are thereby rendered moot and no further discussion regarding such rejections is warranted with respect to those canceled claims at this time. Therefore, the remarks remaining will be directed toward the claims which remain pending, i.e. nos. 1, 3-13, 15 and 16.

Claim 1 has been amended to include certain subject matter from original claims 6 and 16. See also for example the specification as originally filed at paragraphs [0016], [0059] and [0060].

Claim 4 has been amended to provide for antecedent basis with respect to the element "at least one target".

Claim 6 has been amended to include subject matter from claim 21 as originally filed. Claim 15 has been amended to include subject matter from the specification as originally filed at paragraphs [0013] and [0060].

Claim 15 has been amended to include subject matter from the specification as originally filed at paragraph [0060]).

Claim 16 has been amended to include subject matter from the specification as originally filed at paragraph [0060].

Therefore, it respectfully is submitted that these amendments to the claims do not introduce new subject matter into the present application, and entry of said amendments respectfully is requested.

Regarding the rejections under 35 USC Section 103(a), the following remarks are provided.

The Office Action at page 2, paragraph 2, appears to indicate that the combination of Say and Owensen renders as obvious claim 1 and claim 16. As indicated above, claim 1 has been amended to include certain of the subject matter of original claim 16 and additional subject matter from the specification as indicated. Amended independent claim 1 is not rendered obvious by the combination of Say and Owensen.

Say discloses an apparatus for photocatalytic fluid purification which includes a reactor having a photocatalyst disposed on a support structure with a light source in optical proximity to the support structure to activate the photocatalyst. The support structure may include multiple non-intersecting fins or alternatively, one or more cylinders having pleated inner surfaces and photocatalyst deposited on the inner surface of the cylinder. The earlier Office Action dated November 23, 2005 at page 6 indicated that the subject matter of claim 16, some of which is now in amended claim 1, was disclosed in an embodiment of Figure 12 of Say.

Owensen discloses a cleaning arrangement including filters and ultraviolet radiation to irradiate air. A cover for the device is operable between an open and closed position, i.e. active versus passive modes to irradiate air within and without the device.

Reisfeld discloses a modular photocatalytic air purifier which includes filter structures coated with a catalytic material such as titanium oxide.

There is no suggestion or guidance in any of Say, Owensen and Reisfeld to provide a basis for combining or modifying such references. That is, nowhere in any of the references is there disclosed or suggested “a secondary element located at the interior of the casing at a predetermined distance from the at least one target and constructed and arranged to at least partially surround the at least one target and the secondary element for providing a conduit between the at least one target and the secondary element through which moving air can flow” as called for in presently amended claim 1.

Regarding Say, Figure 12 is related to Figure 6 in said reference. In Figure 6, there is no flow of fluid through the openings 314 in which the light source 304 is disposed. That is, there is no conduit as called for in the present claims. There is similarly no suggestion to provide a flow of fluid, such as air, through the opening 314. With respect to the embodiment at Figure 12, the light source 304’ is arranged in the central core 324 (Figure 6), but a conduit is not provided between the target and secondary element located at the interior of the casing, as called for in amended claim 1.

As a further example as to the distinction between amended claim 1 of the present application, and the disclosure of Say, see FIG. 11 of the present application.

Similarly, there is no suggestion or guidance in Owensen or Reisfeld to proceed as called for in amended claim 1. There is similarly no suggestion or guidance in either of these two references to combine their disclosures with that of Say.

Therefore, it respectfully is submitted that claim 1 as amended is non-obvious in view of Say, Owensen, and Reisfeld, whether taken alone or in combination of each other.

Additional patentable elements of the claimed invention can be shown, for example, at amended claims 15 and 16. That is, none of the references cited disclose the secondary element "...formed on an inside surface of the casing." (claim 15), or have the secondary element "... completely surrounds the at least one target." (claim 16).

Accordingly, it respectfully is submitted that claim 1 is patentably distinct from the references made of record in the present application, as are the claims which depend therefrom, i.e. numbers 3-13, 15 and 16.

In view of the foregoing amendments and remarks, favorable action on the merits, including entry of all amendments and allowance of all claims pending, respectfully is requested. The Examiner is invited to contact the undersigned by phone to resolve further outstanding issues in this application.

Respectfully submitted,

By: 
Joshua L. Cohen
Attorney of Record
Reg. No.: 34,307
TEL: (908) 771-6167
FAX: (908) 771-6159

Date: November 6, 2006
BOC, Inc.
Legal Services-IP Dept.
575 Mountain Avenue
Murray Hill, NJ 07974-2064